

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 2100 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

ANITABEN MANISHBHAI BHATIYA

Versus

MANISHBHAI CHUNILAL BHATIYA

Appearance:

1. Misc.Civil Application No. 2100 of 2003
MR TARESH J BHATTJI for Petitioner No. 1
UNSERVED-REFUSED (R) for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 26/02/2004

ORAL JUDGEMENT

This is an application filed by the applicant-wife under Section 24 of the Civil Procedure Code for transferring HMP No.53 of 2003 from the Court of the learned Civil Judge (SD), Himatnagar, District Sabarkantha, to the Civil Court (SD) at Vadodara. The

affidavit has been filed by the applicant to the effect that the respondent has refused to accept the service of the notice of Rule issued in the present application.

2 It is submitted by Mr Bhattji, learned advocate for the applicant, that the applicant-wife has filed an application under Section 125 of the Criminal Procedure Code, which is pending in the court of the learned J.M.F.C., Vadodara, against the husband wherein the opponent-husband is required to attend the Court. It is further submitted by Mr Bhattji that the applicant is having one minor son aged about 6 years and it is very difficult for her to travel from Vadodara to Himatnagar with a minor child by covering distance of 300 km. The learned counsel for the applicant further submitted that there is no one in the family who can accompany the applicant during the journey.

3 Considering the submissions of the learned counsel for the applicant and considering the fact that even the maintenance application is also pending before the learned JMFC, Vadodara, it would be just and proper to transfer HMP No. 53 of 2003 from the Court of the learned Civil Judge (SD), Himatnagar, District Sabarkantha, to the Civil Court (SD) at Vadodara. After such transfer, the learned Civil Judge (SD) at Vadodara shall proceed with the same and decide it in accordance with law.

3 Rule is made absolute. No order as to costs.

(P.B. Majmudar, J.)

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